

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 07-2797

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Florence Roark,

Appellant,

v.

City of Cotton Plant,

Appellee,

Raymond Milton, individually and in  
his official capacity; Archie D. Roark;  
individually and in his official capacity,  
Cleotis Smith, individually and in his  
official capacity,

Defendants.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas.

[UNPUBLISHED]

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Submitted: April 21, 2009

Filed: April 24, 2009

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Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

Florence Roark appeals the district court's<sup>1</sup> orders denying sanctions and default judgment against the City of Cotton Plant (City) and granting judgment as a matter of law (JAML) in favor of the City in her 42 U.S.C. § 1983 action. The district court gave valid reasons for its rulings, and we thus find no abuse of discretion in its denial of default judgment under Federal Rule of Civil Procedure 55, see Norsyn, Inc. v. Desai, 351 F.3d 825, 828 (8th Cir. 2003) (standard of review), or in its denial of discovery sanctions under Federal Rule of Civil Procedure 37, see Crump v. Versa Prods., Inc., 400 F.3d 1104, 1110 (8th Cir. 2005) (standard of review). We find no error in the grant of JAML to the City, because Roark failed to offer evidence of a City policy or custom relevant to her claims. See Catipovic v. Peoples Cmty. Health Clinic, Inc., 401 F.3d 952, 956 (8th Cir. 2005) (de novo standard of review; for JAML to be granted, all evidence should point one way and not be susceptible to reasonable inferences sustaining nonmovant's position); see also Szabla v. City of Brooklyn Park, Minn., 486 F.3d 385, 389-93 (8th Cir. 2007) (en banc) (requirements for municipal liability under § 1983); Aetna Cas. & Sur. Co. v. Leahey Constr. Co., 219 F.3d 519, 546 (6th Cir. 2000) (while JAML is normally entered by district court following meritorious motion, it is clear that court has power to do so on its own initiative).

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.